

# **DESIGN REVIEW AND DEVELOPMENT APPROVAL PROCESS**



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## Chapter

# 7

## Redevelopment Permits

### Administrative Responsibilities

The Housing & Neighborhood Services Director shall have the responsibility for the administration of the Village Review Permit process. The Director's duties include, but are not limited to, the following:

1. Reviewing applications and making a determination of completeness for processing purposes;
2. Making project exempt determinations as related to permit requirements or identifying the type of Review/Coastal Development Permit required, if project is not exempt;
3. Maintaining records of project exempt determinations as related to requirements for Village Review or Coastal Development Permits;
4. Approval or denial of administrative permits and administrative variances;
5. Referral of non-administrative permits to the Planning Commission and City Council, as appropriate; and
6. Physical preparation and delivery of the approving documents and permits related to the subject project.

Staff of the Housing & Neighborhood Services Department, acting under the supervision of the Housing & Neighborhood Services Director, shall be responsible for coordinating all activities leading to the approval, conditional approval, or denial of review permits. Such activities may include, but are not limited to, document processing, report writing, scheduling or Planning Commission and City Council public meetings and hearings, and preparation of recommendations, meeting minutes and resolutions.

### General Policy

Due to the complexity of overlapping areas of authority, the permit process for the Village Area has been designed to address 1) the goals and objectives for the Village Area as a whole; and 2) the goals and objectives of the Coastal Commission for the segment of the Village Area which lies within the Coastal Zone boundaries.

The permit structure which is summarized on the following page combines the permit requirements for the Village Area and the Coastal Zone.

Unless a project is exempt from the permit requirements noted herein and set forth in Chapter 21.35 of the Carlsbad Municipal Code, a review permit is required. If the property for the subject project is also

located in the Coastal Zone, a Coastal Development Permit is required in addition to the Village Review Permit, unless the project is exempt as noted herein and set forth in Chapter 21.81 of the Carlsbad Municipal Code.

For all projects approved prior to July 21, 2009, in the Village Area, the discretionary land use permit shall be known as and continued to be referred to as a “Village Redevelopment Permit.” All new permits issued shall be known as “Village Review Permits.” The processing of amendments to previously approved Village Redevelopment Permits shall be the same as the process set forth herein for Village Review Permits.

## **Exempt Projects**

Projects in the Village Area which are exempt from Coastal Development Permits, per the Coastal Commission Act, are also exempt from Village Review Permit requirements.

## **Administrative Projects**

Projects which are eligible for an Administrative Village Review Permit are also eligible for an Administrative Coastal Development Permit.

## **Minor or Major Village Development Projects**

For projects within the Coastal Zone, a Coastal Development Permit will be processed concurrently with the Minor or Major Village Review Permit. As a note, non-administrative variances and standards modifications can only be approved by the Planning Commission or City Council. A Minor or Major Village Review Permit, therefore, will be required for any project application which includes a request for non-administrative variance or standards modifications, even if that project would have otherwise been exempt from the permit requirements or eligible for an Administrative Permit.

The various types of permits required within the Village Area are further defined within Chapters 21.35 and 21.81 of the Carlsbad Municipal Code.

## **Variances**

Variances for projects will be processed concurrently with any other administrative or discretionary permits which may be required. However, they will be processed as a separate action item. Chapter 21.35 of the Carlsbad Municipal Code defines the types of variances which can be granted administratively by the Housing & Neighborhood Services Director and those which must receive approval from the Planning Commission or City Council.

## PERMIT TYPES

Exempt	Administrative Redevelopment Review Permit	Minor Redevelopment Review Permit	Major Redevelopment Review Permit
<ol style="list-style-type: none"> <li>1. Interior or exterior improvements to existing structures which do not result in the intensity of use of a structure<sup>1</sup>; and/or</li> <li>2. Additions to existing structures which result in a cumulative increase of less than 10% of the internal floor area; and/or</li> <li>3. Demolition of structure outside the village segment of the Carlsbad Coastal Zone, provided that said demolition has no potential to create an adverse impact on coastal resources or public access to the coast; and/or</li> <li>4. Changes in permitted land uses which do not require site changes, result in increased ADT, result in increased parking requirements, or result in compatibility issues or problems; and/or</li> <li>5. Landscaping on the lot unless it will result in erosion or damage to sensitive habitat; and/or</li> <li>6. Repair or maintenance activities<sup>2</sup>; and/or</li> <li>7. Activities of public utilities; and</li> <li>8. Project does not require variance of any type.</li> </ol>	<ol style="list-style-type: none"> <li>1. New construction of building(s) or addition(s) to the building footprint which has a building permit valuation which is less than \$60,000; and/or</li> <li>2. Interior or exterior improvements to existing structures which result in an intensity of use; and/or</li> <li>3. Provisional land uses, where a minor or major review permit is not required.</li> <li>4. Changes in permitted land uses which result in site changes, increased ADT, increased parking requirements, or result in compatibility issues/problems; and/or</li> <li>5. Demolition of structure within the village segment of the Carlsbad Coastal Zone provided that said demolition has no potential to create an adverse impact on coastal resources or public access to the coast, and does not include any overnight accommodations; and/or</li> <li>6. Signs for existing businesses or facilities; and/or</li> <li>7. Repair or maintenance activities which are not exempt; and</li> <li>8. Project requires an administrative variance.</li> </ol>	<ol style="list-style-type: none"> <li>1. New construction of building(s) or addition(s) to the building footprint which have a building permit valuation which is equal to or greater than \$60,000 but less than \$150,000.</li> <li>2. Non-administrative variances for projects within this category and those which would otherwise be exempt or be eligible for an administrative permit as indicated within this chart.</li> </ol>	<ol style="list-style-type: none"> <li>1. New construction of building(s) or addition(s) to the building footprint which have a building permit valuation which is equal to or greater than \$150,000.</li> <li>2. Non-administrative variances for projects within this category.</li> </ol>

<sup>1</sup>See Section 21.81.030 of the Carlsbad Municipal Code for exceptions to when a project is exempt from permit requirements for village review and/or coastal development purposes.

<sup>2</sup>See Section 21.81.035 of the Carlsbad Municipal Code for exceptions to when a project is exempt from permit requirements for village review or coastal development purposes.

# Village Review Permits

## Authority for Approval

**Exempt Projects** – The Housing & Neighborhood Services Director shall be responsible for determining whether or not a project is exempt from the permit requirements and maintaining the record of exemption.

**Administrative Review Permits** – The Housing & Neighborhood Services Director shall have the authority to approve, approve with conditions, or deny an Administrative Permit for an eligible administrative project. No action is needed by the Planning Commission or City Council, unless appealed to the Planning Commission or City Council.

**Minor Review Administrative Permits** – The Planning Commission shall have the authority to approve, approve with conditions, or deny minor review permits. The Planning Commission shall also act upon appeals from decisions made by the Housing & Neighborhood Services Director.

**Major Review Redevelopment Permits** – The City Council shall have the authority to approve, approve with conditions, or deny Major Review Permits and/or Tentative and Final Maps, if applicable following receipt of a recommendation from the Planning Commission. The City Council shall also act upon appeals from decisions made by the Planning Commission.

**Permit Extensions** – A request for an extension of a previously approved Redevelopment and/or Village Review Permit shall be approved, approved with conditions, or denied by an original decision-maker with the final permit authority. A recommendation from a lower recommending decision authority shall not be required in advance of this action by the final permit authority. The request for the permit extension may be forwarded direction to the appropriate decision-maker for action.

## Consolidation of Permits

Whenever several different types of permits or approvals are required for a project, the decision-making body on all of the permits shall be the body with the highest level authority on any of the individual permits. This means that the Director or the Planning Commission or the City Council will be the decision-making body on all actions, including the highest and lowest level permits.

## Appeal Process

**Exempt Projects** – For projects within the Coastal Zone, the Executive Director of the Coastal Commission, or the Coastal Commission, shall have the authority to resolve disputes regarding determinations of exemptions. For projects located within the Village Area but not in the Coastal Zone, the determination of exemption made by the Housing & Neighborhood Services Director shall be final.

**Administrative Review Permits** – An appeal of a decision made by the Housing & Neighborhood Services Director on administrative permits may be made to the Planning Commission. All appeals must be made in writing within ten (10) calendar days of the decision made by the Housing & Neighborhood Services Director. The decision of the Planning Commission on appeals is final.

**Minor Review Permits** – An appeal of a decision made by the Planning Commission on minor review permits may be made to the City Council. All appeals must be made in writing within ten (10) calendar

days of the decision made by the Planning Commission. The decision of the Carlsbad City Council on appeals is final.

**Major Review Permits** – There is no appeal from a decision made by the City Council on Major Review Permits and/or a Tentative or Final Map, if applicable.

**Coastal Development Permits** – If a project is located within the Coastal Zone of the Village Area and the local action is appealable to the Coastal Commission, an appeal must be submitted directly to the Coastal Commission. Any person who wishes to appeal a local action which is appealable to the Coastal Commission should contact the Housing & Neighborhood Services Department or the local Coastal Commission office for more information.

## **Coastal Development Permits**

Unless found to be exempt, all development within the Coastal Zone segment of the Village Area shall be subject to prior issuance of a coastal development permit. This permit may be administratively approved by the Housing & Neighborhood Services Director or subject to discretionary approval by the Planning Commission or City Council according to their permit types set forth herein. The permit summary chart on page 185 outlines the types of permits to be issued for Village Review projects. These permit types apply to Coastal Development projects as well. For example, if a village review project is located in the Coastal Zone and is eligible for an Administrative Review Permit, then an Administrative Coastal Development Permit will also be processed for the project.

The administrative responsibilities identified for the Housing & Neighborhood Services Director as well as staff of the Housing & Neighborhood Services Department shall also apply to the processing of Coastal Development Permits in the Village Area.

The appeal process is also the same for coastal development permits, with the exception that some permits issued within the Coastal Zone are appealable to the Coastal Commission.

## **Processing Permits**

The chart which follows this page is provided to assist the applicant in understanding the steps which will generally be taken by staff and the appropriate approving bodies to process and application for a village review permit.

It should be noted that approval of a review or coastal development permit is the first step for completing a project within the Village Area. Other permits, such as building permits or business licenses, may also be required prior to initiation of a project or a business. If a village review or coastal development permit is required, the applicant will **not** be able to obtain approval of any other required permits until the review and/or coastal development permit has been approved by the appropriate body.



Exempt	Administrative Coastal and Village Review Permits	Minor Coastal and Village Review Permits	Major Coastal and Village Review Permits
<p>Staff completes exempt documentation.</p> <p>Copy of exempt documentation is provided to applicant and placed in the appropriate file.</p> <p>Applicant applies for other permits or licenses, including appropriate building permits and business license.</p> <p><b>Process Ends.</b></p>	<p>Applicant meets with Redevelopment staff for conceptual review.</p> <p>Applicant submits permit application and appropriate exhibits to Community Development Department.</p> <p>Application is reviewed for completeness and identification of issues.</p> <p>If application is complete, processing begins. Application is then reviewed by all appropriate departments and comments are provided to the H&amp;R Director. If not complete, application is returned to applicant for resubmission at later date.</p> <p>CEQA review is performed by Planning Department (<i>once application is complete</i>). Thirty (30) day review period is provided for comments on environmental documentation, if applicable.</p> <p>Based upon comments from reviewing departments, a preliminary decision is made by the Housing &amp; Neighborhood Services Director to approve, approve with conditions or deny the requested project permit.</p> <p>Appropriate persons are notified of pending decision and invited to provide comments on the decision, either verbally or in writing to the H&amp;R Director during a ten (10) day public review. (<i>Note: If the project is located within the appealable area of the Coastal Zone, an administrative public hearing will be held and properly noticed prior to the rendering of a final decision</i>).</p> <p>If project is denied, applicant may appeal to Planning Commission; no further notice to interested parties is provided unless project is appealed by applicant.</p> <p>If project is <b>approved</b> by the Director, appropriate persons will be notified of the final decision and given ten (10) calendar days to appeal the decision to the Planning Commission. Following expiration of the ten (10) day appeal period and if no appeal is filed, applicant applies for other appropriate permits and licenses. (<i>Note: If the project is located within the appealable area of the Coastal Zone, an additional ten (10) day appeal period is provided to interested parties</i>).</p> <p>Once all applicable appeal periods have expired and no appeals have been filed, or the appeals have been resolved, the applicant may apply for other permits or licenses.</p> <p><b>Process Ends.</b></p>	<p>Applicant meets with Redevelopment staff for conceptual review.</p> <p>Applicant submits permit application and exhibits to Community Development Department.</p> <p>Application is reviewed for completeness and identification of issues.</p> <p>If application is complete, processing begins. Application is then reviewed by all appropriate departments and comments are provided to the Housing &amp; Neighborhood Services Director. If not complete, application is returned to applicant for resubmission.</p> <p>CEQA review is performed by Planning Department (<i>once application is complete</i>). Thirty (30) day review period is provided for comments on environmental documentation, if applicable.</p> <p>Based upon comments, staff prepares a report with recommendation for Planning Commission action.</p> <p>Staff sets agenda for Planning Commission public hearing. Appropriate notification is provided for the public hearing on the permit. Planning Commission holds a public hearing, considers comments and then approves, approves with conditions or denies the permit.</p> <p>If project is denied, applicant may appeal to the Planning Commission; no further notice to interested parties is provided unless project is appealed by applicant.</p> <p>If project is <b>approved</b> by the Planning Commission, the decision is appealable to the City Council for ten (10) calendar days. Following expiration of the ten (10) day appeal period and if no appeal is filed, applicant applies for other appropriate permits and licenses. (<i>Note: If the project is located within the appealable area of the Coastal Zone, an additional ten (10) day appeal period is provided to interested parties</i>).</p> <p>Once all applicable appeal periods have expired and no appeals have been filed, or the appeals have been resolved, the applicant may apply for other permits or licenses.</p> <p><b>Process Ends.</b></p>	<p>Applicant meets with Redevelopment staff for conceptual review.</p> <p>Applicant submits permit application and exhibits to Community Development Department.</p> <p>Application is reviewed for completeness and identification of issues.</p> <p>If application is complete, processing begins. Application is then reviewed by all appropriate departments and comments are provided to the Housing &amp; Neighborhood Services Director. If not complete, application is returned to applicant for resubmission.</p> <p>CEQA review is performed by Planning Department (<i>once application is complete</i>). Thirty (30) day review period is provided for comments on environmental documentation, if applicable.</p> <p>Based upon comments, staff prepares a report with recommendations for Planning Commission's recommended action to the City Council.</p> <p>Staff sets agenda for Planning Commission public hearing. Appropriate notification is provided for the public hearing on the permit. Planning Commission holds a public hearing, considers comments and then takes action to approve a recommendation for the City Council to approve or deny the permit.</p> <p>If the Planning Commission takes action to recommend approval of the permit, staff forwards the appropriate report to the City Council for consideration following a public hearing. The Council's action on the permit is final. (<i>Note: If the project is located within the appealable area of the Coastal Zone, a ten (10) day appeal period is provided to interested parties</i>).</p> <p>Once all applicable appeal periods have expired and no appeals have been filed, or the appeals have been resolved, the applicant may apply for other permits or licenses.</p> <p><b>Process Ends.</b></p>